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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,977	09/29/2003	Zhengbai Liu	D5435	2593
30409	7590	11/02/2004	EXAMINER	
INTERNATIONAL ENGINE INTELLECTUAL PROPERTY COMPANY 4201 WINFIELD ROAD P.O. BOX 1488 WARRENVILLE, IL 60555			ESHETE, ZELALEM	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/673,977	LIU, ZHENGBAI
	Examiner	Art Unit
	Zelalem Eshete	3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 October 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20,22-41,43-46 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20,22-41,43-46 and 48-52 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This Office Action is in response to the amendment filed on 10/15/2004.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4,5,20,22,25,26,43,45,46,48 are rejected under 35 U.S.C. 102(b) as being anticipated by Caswell (4,137,873).

Regarding claims 1,22,43: Caswell discloses a combustion/piston or a method of an internal combustion engine, comprising: a combustion chamber being defined intersecting a crown of the piston, the crown being orthogonally disposed relative to a side wall of the piston, the combustion chamber being defined by a concave surface and three convex surfaces, adjacent surfaces having direct smooth junctures and being formed from free of flat surfaces (see figures 1,2).

Additionally, a preamble to a claim is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self contained description of the structure not depending for completeness upon the introductory clause, clearly the claims of record do not rely on the introductory clause for

completeness. See *Kropa v. Robie, supra* at 480. See also *Ex parte Mott*, 190 USPQ 311, 313 (PTO Bd. of App. 1975)

Regarding claims 4,25: Caswell discloses a juncture between adjacent curved surfaces requires no additional surfaces to effect a smooth transition therebetween (see figures 1,2)

Regarding claims 5,26: Caswell discloses the combustion chamber is symmetrical about a combustion chamber center axis (figures 1,2).

Regarding claims 20,48: Caswell discloses the combustion chamber having a central axis, the combustion chamber central axis being coincident with a piston central axis (see figures 1,2).

Regarding claim 45: Caswell discloses defining smooth surface junctures between adjacent curved surfaces, without introducing any additional bowl surfaces (see figure 2).

Regarding claim 46: Caswell discloses disposing the origin of the center post on the piston central axis (see figures 1,2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama et al (4,164,913) in view of Dunn et al. (4,140,096).

Regarding claims 1,2,22,23,43,44: Komiyama discloses a combustion/piston or a method of an diesel engine, comprising: a combustion chamber being defined intersecting a crown of the piston, the crown being orthogonally disposed to a side wall of the piston, the combustion chamber being defined by a concave surface and two convex surfaces, adjacent surfaces having direct smooth junctures (see figure 8). Komiyama further discloses post/first/second annular surfaces or a combustion chamber center portion being defined at least in part by the convex sphere to define a post, the sphere having a radius and an origin, the origin of the radius lying on a combustion chamber central axis (see figure 8); a combustion chamber second curved surface forming substantially a bowl bottom margin and being a concave annular surface and having an origin and a radius and being joined to the post, the second curved surface providing a minor part of the combustion chamber reentrancy (see figure 8, numeral 12); a combustion chamber third curved surface being a convex annular surface and forming a portion of a combustion chamber side margin and providing a

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major part of the combustion chamber reentrancy, the third curved surface having an origin and a radius and being joined to the second curved surface (see figure 8, numeral 13).

Komiyama fails to disclose a combustion chamber fourth curved surface defining the third convex annular bowl lip surface intersecting the crown of the piston (thus not free of flat surfaces).

However, Dunn teaches the third convex surface (see numeral 4). Dunn further teaches the convex annular bowl lip provides a reentrant profile (see column 4, lines 23 to 25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify device of Komiyama by providing a third convex annular bowl lip surface as taught by Dunn in order to provide a reentrant profile as taught by Dunn. It is also would have been obvious for one having ordinary skill in the art to notice that such modification of Komiyama in view of Dunn results in free of flat surfaces.

Regarding claims 4,25: Komiyama discloses a juncture between adjacent curved surfaces requires no additional surfaces to effect a smooth transition therebetween (see figure 8)

Regarding claims 5,26: Komiyama discloses the combustion chamber is symmetrical about a combustion chamber center axis (figure 8).

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Regarding claims 20,48,41: Komiyama discloses the combustion chamber having a central axis, the combustion chamber central axis being coincident with a piston central axis (see figure 8).

Regarding claim 45: Komiyama as modified above discloses defining smooth surface junctures between adjacent curved surfaces, without introducing any additional bowl surfaces.

Regarding claim 46: Komiyama discloses disposing the origin of the center post on the piston central axis (see figure 8).

Regarding claims 3,24: Komiyama discloses the origin of the post is disposed on the center axis of the combustion chamber, the center axis of the combustion chamber being coaxial with the center axis of the piston (see figure 8).

Regarding claims 6-19,27-40,49-52: Komiyama as modified above discloses the claimed invention except for numerical values of the various dimensions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the claimed numerical values depending on the engine, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments

5. Applicant's arguments filed 10/15/2004 have been fully considered but they are not persuasive.
6. With respect to applicant's argument on page 1 (35 U.S.C. 102(b) rejection): Caswell discloses the crown being orthogonally disposed relative to a side wall of the piston in that the outer periphery of the top portion of the piston is orthogonal to the side wall of the piston (see figures 1,2).
7. With respect to applicant's argument on page 1 (35 U.S.C. 103 rejection): In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It would have been obvious to modify Komiyama's device by providing the non-flat surface as taught by Dunn, in that Dunn provides a motivation for such a modification by teaching the convex annular bowl lip provides a reentrant profile (see column 4, lines 23 to 25).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (703) 306-4239. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zelalem Eshete
Examiner
Art Unit 3748

Z

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